

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

MURRAY POTTER,

Plaintiff,

No. 2:20-cv-823 KWR/KRS

v.

FRANK TORRES and  
CITY OF LAS CRUCES,

Defendants.

**ORDER GRANTING MOTION TO EXTEND DEADLINES**

**THIS MATTER** is before the Court on Plaintiff's Motion to Extend Deadlines, (Doc. 53), filed September 17, 2021. Plaintiff asks to extend all pretrial deadlines in this case by forty-five (45) days due to the recent substitution of his counsel. (Doc. 53). Defendants filed a response to the motion on October 1, 2021, stating they are not opposed to a 45-day extension of the pretrial deadlines. (Doc. 56). Defendants request clarification from Plaintiff regarding whether he plans to replace or supplement the disclosures of the experts that were designated by Plaintiff's previous counsel, and whether he intends to identify additional experts. *Id.* at 3.<sup>1</sup> Considering that Defendants do not oppose the relief requested by Plaintiff, the Court finds no need for Plaintiff to file a reply brief and grants the Motion.

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<sup>1</sup> Defendants spend much time in their response objecting to Plaintiff's counsel's failure to properly consult with defense counsel prior to filing the Motion. (Doc. 56) at 1-2, 4-5. Defendants state that Plaintiff's counsel emailed Defendants' counsel on the morning of September 17, 2021 and filed the Motion that evening, but they did not call Defendants' counsel to follow up on the email. (Doc. 56-1). While Defendants are correct that a better practice is to call opposing counsel when seeking concurrence in a motion, most attorneys are able to sort out such issues between themselves and notify the Court that a previously-filed motion is unopposed without engaging in lengthy briefing. The Court encourages counsel to try to resolve these scheduling and communication issues and work to move this case forward.

**IT IS THEREFORE ORDERED** that Plaintiff's Motion to Extend Deadlines, (Doc. 53), is GRANTED and the deadlines in this case are extended as follows:

Plaintiff's Expert Disclosure: November 5, 2021

Defendants' Expert Disclosure: December 8, 2021

Termination of Discovery: January 10, 2022

Motions Related to Discovery: January 24, 2022

Dispositive Motions: February 3, 2022

Pretrial Order: Plaintiff to Defendants: March 21, 2022

Defendants to the Court: April 4, 2022.

**IT IS FURTHER ORDERED** that Plaintiff shall notify Defendants **by October 13, 2021** if he plans to replace or supplement the disclosures of the experts that were designated by Plaintiff's previous counsel, and if he intends to identify additional experts.



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KEVIN R. SWEAZEA  
UNITED STATES MAGISTRATE JUDGE